

## § 502.5

## 32 CFR Ch. V (7–1–02 Edition)

(e) DOD components overseas will participate in foreign disaster relief operations as directed by unified commanders.

(f) The Department of the Army has been directed to assume responsibility for military support in disasters within the continental United States (48 contiguous States and the District of Columbia). This includes responsibility for effective utilization, coordination, and control of resources made available by the Department of the Navy, the Department of the Air Force, and other DOD components as appropriate.

(g) The Department of the Navy has been directed to coordinate with the Department of the Army in planning and supporting civil authorities in disaster relief operations.

(h) The Department of the Air Force has been directed to coordinate with the Department of the Army in planning and supporting civil authorities in disaster relief operations including activities of the Civil Air Patrol.

(i) The Joint Chiefs of Staff have been directed to issue instructions to appropriate unified commanders to insure proper planning and use of military resources for disaster relief operations in Alaska, Hawaii, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands.

### **§ 502.5 Department of the Army policies and designation of responsibilities.**

(a) Military commanders will conduct relief operations in the event of emergency as described in § 502.4(c), or when directed by higher military authority or by direction of OEP under Pub. L. 875.

(b) Use of military resources and other military participation in disaster relief will be on a minimum essential basis and terminated at the earliest practicable time. Military assistance in rehabilitation following a disaster is not authorized, except as directed by the OEP, or in support of emergency operations conducted by the Corps of Engineers as authorized by law.

(c) Federal troops used in disaster relief activities will be under command of, and directly responsible to, their military superiors.

(d) National Guard forces, if not in active Federal service, will remain under control of the State governor and will be considered part of the local resources available to civil authorities. Federally owned National Guard equipment may accompany a unit when ordered into disaster relief operations by a governor.

(e) The Commanding General, U.S. Continental Army Command (CG USCONARC) is delegated responsibility for the conduct of Army support activities. Specifically he—

(1) Is, under the provisions of §§ 502.1 through 502.5, assigned responsibility for the conduct of military disaster relief in the 48 contiguous States and the District of Columbia.

(2) Will be prepared to conduct disaster relief operations as appropriate in Mexico or Canada upon direction of the Department of the Army.

(3) Will coordinate and insure establishment of joint control of the disaster relief efforts of all DOD components. In local disasters not warranting a declaration of a major disaster, local civil authorities can be expected to make appeals for assistance direct to installations or activities other than those operated by the Department of the Army.

(4) Will report to the Deputy Chief of Staff for Military Operations by the fastest electrical means when resources of DOD components are committed to disaster relief or when disaster conditions prevail that make commitment of DOD resources imminent.

(5) Will, as appropriate, furnish available personnel and resources to District and Division Engineers of the Corps of Engineers prosecuting a flood fight under provisions of Pub. L. 99, or acting in response to a disaster relief directive from OEP under provisions of Pub. L. 875.

(6) Will establish and maintain liaison with the Directors of OEP and OCD, the American National Red Cross, and such other Federal, State, and local governmental agencies as are necessary to discharge responsibilities under §§ 502.1 through 502.5.

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(7) Has full authority to approve or disapprove personal requests for military assistance made by a State governor or a member of Congress. This authority will not be delegated lower than ZI army commanders. Information on such requests and action taken will be furnished to Deputy Chief of Staff for Military Operations, Department of the Army, Washington, DC, 20310.

(8) Will insure that ZI army commanders have an effective natural disaster information plan for use in the event of military operations. The plan should provide for early dispatch of information personnel to the scene.

(f) ZI army commanders are specifically charged, under the overall direction of CG USCONARC, with supporting disaster relief operations, and they—

(1) Will establish and maintain, as appropriate, liaison with Regional Directors, OEP and OCD, area offices of the American National Red Cross and other Federal, State, and local governmental agencies.

(2) Will establish and maintain, as necessary, working relationships with appropriate DOD component headquarters, class II installations and Division/District Engineers to insure coordination of the overall military disaster relief effort within the Army area and will secure necessary information from such installations as required for reports.

(3) Will assume control of resources made available by class II installations and activities for disaster assistance. If class II installation or activity resources are required but have not been made available by the activity commander, the ZI army commander will forward a request with justification through command channels to the Deputy Chief of Staff for Military Operations, Department of the Army. In those cases where commanders are unable to communicate with Headquarters, Department of the Army, and where in the opinion of the ZI army commander concerned, the extreme emergency warrants the temporary use of such resources, he will direct their use and report this action through command channels to the Deputy Chief of Staff for Military Operations.

(4) Will, upon request, make resources available to District and Division Engineers performing a flood fight under provisions of Pub. L. 99 and/or support the Corps of Engineers response to directive from OEP under provisions of Pub. L. 875.

(5) Will coordinate the military relief effort with assistance provided by the Corps of Engineers under statutory authorities of the Chief of Engineers or as directed by the OEP under Pub. L. 875.

(g) Class II installation and activity commanders are responsible for supporting disaster relief efforts under the provisions of §§ 502.1 through 502.5, and they—

(1) Will take action in local disasters of imminent seriousness as appropriate. Such action will be reported concurrently to his headquarters and to the respective ZI army commander.

(2) Will, upon the request of the ZI army commander, designate those resources under their control which can be made immediately available for disaster relief operations. Only such resources will be placed under the operational control of the ZI army commander or Division/District Engineer conducting relief operations.

(h) The Chief of Engineers is responsible for the provision of disaster assistance by applicable Division and District Engineers when required by disaster of imminent seriousness and as authorized by statutory authorities or as directed by the OEP under Pub. L. 875. He will—

(1) Insure that Division and District Engineers establish and maintain appropriate liaison with ZI army commanders, regional Directors of OCD and OEP, the American National Red Cross, and other Federal, State and local governmental agencies as necessary to discharge assigned responsibilities.

(2) Furnish the ZI army commanders concerned all pertinent information on floods or other natural disasters including activities undertaken by the Corps of Engineers. Information furnished will be by the fastest electrical means and consistent with reporting requirements placed on ZI army commanders.

(3) Insure that Engineers preplanned procedures for disaster operations are

coordinated among Division/District Engineers and the ZI army commanders, and include provisions covering flood emergencies.

#### RELIEF SHIPMENTS

#### § 502.11 Commercial freight shipments of supplies by voluntary non-profit relief agencies.

(a) *Scope of section.* Provided in this section are the rules under which the Department of the Army, in order to further the efficient use of United States voluntary contributions for relief in the foreign country hereinafter named, will pay ocean freight charges from United States ports to designated foreign ports of entry on supplies donated to or purchased by United States voluntary nonprofit relief agencies registered with and recommended by the Advisory Committee on Voluntary Foreign Aid (called “the Committee” in this section), for distribution in the Ryukyu Islands.

(b) *Agencies within scope of this section.* Any United States voluntary nonprofit relief agency may make application to the Chief of Civil Affairs, Department of the Army, Washington, DC 20310, for reimbursement of ocean freight charges on shipments of supplies donated to or purchased by it for distribution within the foreign country listed in paragraph (a) of this section, *Provided:*

(1) The agency is registered with and recommended by the Committee to the Department of the Army;

(2) The supplies are within the general program and projects of the agency as previously submitted to and approved by the Committee, and are essential in support of such programs and projects;

(3) The agency’s representatives to whom the supplies are consigned for distribution abroad are acceptable to the Committee;

(4) The Committee has notified the Department of the Army that:

(i) The agency is not engaged in commercial or political activities;

(ii) Contributions to the agency are eligible for tax exemption under income tax laws;

(iii) The agency is directed by an active and responsible board of American

citizens who serve without compensation;

(iv) The accounts of the agency are regularly audited by a certified public accountant;

(v) The agency currently reports its activities and operations to the Committee including its budget and reports of income and expenditures, its transfer of funds, and its exports of commodities and such other information as the Committee may deem necessary, and such reports are open for public inspection;

(vi) The general program and projects by countries of operation of the agency have been approved by the Committee to permit the coordination of private agency programs with each other and with the programs of the Department of the Army in the Ryukyu Islands;

(vii) The Government of the country in which the supplies are distributed affords appropriate facilities for the necessary and economic operation of the agency’s general program and projects;

(viii) The supplies are free of customs duties, other duties, tolls, and taxes;

(ix) The agency has assumed responsibility for noncommercial distribution of the supplies free of cost to the person or persons ultimately receiving them and distribution of the supplies is supervised by United States citizens, and such operations are appropriately identified as to their American character.

(c) *Manner of payment of ocean freight charges.* (1) The Department of the Army will reimburse agencies qualified under this section, to the extent of ocean freight charges paid by them for shipments made in conformity with this section: *Provided,* That application for such reimbursement on shipments must be submitted to the Department within thirty days of date of shipment, together with receipted invoices for such charges, supported by ocean bills of lading, showing that such charges are limited to the actual cost of transportation of the supplies from end of ship’s tackle at the United States port of loading to end of ship’s tackle at port of discharge, correctly assessed at the time of loading by the carrier for freight on a weight, measurement or